

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

STACY PINCUS, individually and on behalf of all others similarly situated,)
)
)
Plaintiff,)
)
)
v.) Case No. 2016-cv-04705
)
STARBUCKS CORPORATION,) Honorable Thomas M. Durkin
)
Defendant.) Magistrate Judge Young B. Kim
)

PLAINTIFF'S MOTION TO SUBSTITUTE PLAINTIFF

Plaintiff Stacy Pincus (“Plaintiff”), on behalf of herself and all others similarly situated, and in support of her Motion to Substitute Plaintiff, states as follows:

1. Plaintiff Stacy Pincus filed a Class Action Complaint in this matter, on behalf of herself and all others similarly situated on April 27, 2016.
2. Plaintiff agreed to multiple requests for extensions of time to answer or otherwise plead, and Defendant has not yet filed a responsive pleading.
3. In the meantime, Defendant filed a motion to consolidate and transfer this case and three others to an MDL proceeding. Defendant then moved to stay this matter pending a decision on its motion to consolidate and transfer the case by the Judicial Panel on Multidistrict Litigation (“JPML”).
4. Citing a desire to conserve judicial economy, Judge Durkin stayed this case on July 5, 2016, while the matter was being briefed and considered by the JPML, and deferred Defendant’s deadline to file a responsive pleading. *See* Dkt. No. 24.

5. On July 28, 2016, the JPML heard oral arguments on Defendant's motion to consolidate and transfer.

6. On August 5, 2016, the JPML denied Defendant's motion to consolidate and transfer. *See* Dkt. No. 25. Accordingly, there is no reason to further delay the proceedings.

7. Plaintiff Stacy Pincus now moves this Court for leave to substitute Steven Galanis as the named Plaintiff in this action, and remove herself from the caption.

8. Plaintiff further seeks leave to file the attached Amended Complaint *instanter*, naming Steven Galanis as the Plaintiff, on behalf of himself and all others similarly situated. *See* Exhibit A.

9. As laid out in the attached Amended Complaint, Plaintiff does not modify the substantive allegations in any way. Accordingly, Defendant will not be prejudiced by the filing of the Complaint and the substitution of parties.

10. Plaintiff contacted counsel for Defendant to inquire as to whether it would oppose this Motion, and tendered a copy of the proposed Amended Complaint; counsel indicated that they would likely not have any objection to the amendment, but noted that a stay was still in place.

11. In the meantime, during the stay, counsel for Defendant filed a motion to admit one of its attorneys *pro hac vice*, which was granted. *See* Dkt. 26-27.

12. Allowing Plaintiff to file the attached Complaint will conserve judicial economy, and is in the spirit of Judge Durkin's July 5, 2016 ruling. Defendant has not yet answered Plaintiff's complaint, and allowing this amendment now would allow Defendant to file its answer or other responsive pleading in response to Mr. Galanis' Complaint when the stay is lifted by this Court.

13. Further, Plaintiff notices this motion for a date and time that the parties are already scheduled to be before the Court.

14. In fact, this is the ideal time for allowing a substitution of Plaintiff, as it will avoid further delay in the future when the stay is lifted.

15. Allowing Plaintiff to file the attached Amended Complaint would therefore promote the efficient handling of the case both now and when the stay is lifted.

16. As noted, Defendant's deadline to file its responsive pleading has been deferred indefinitely, so this substitution of parties would cause Defendant no harm.

WHEREFORE, Plaintiff Stacy Pincus requests that this honorable Court grant her motion to substitute parties and grant her leave to file the attached Complaint, *instanter*, and for whatever further relief this Court deems just and proper.

Respectfully submitted,

/s/ Steven A. Hart

Attorney for Plaintiff,
Stacy Pincus and the Putative Class

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